

STATE OF FLORIDA

JOE GARCIA
CHAIRMAN



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Public Service Commission

April 2, 1999

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th, SW - TW-A325
Washington, DC 20554

RECEIVED
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Salas:

CC DOCKET 96-98
NSD-L-99-33

The Florida Public Service Commission (FPSC) hereby files the attached petition regarding the FPSC's request for permission to implement number conservation measures. The FPSC voted at the March 30 agenda to file this petition. In addition, due to these extenuating circumstances, we are proceeding with an expedited hearing on requiring code holders to issue telephone numbers consecutively, and we are continuing to conduct workshops on number conservation regarding this matter.

Enclosed are an original and 6 copies. Please date-stamp and return one copy in the enclosed self-addressed stamped envelope.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe Garcia".
Joe Garcia
Chairman

JG:jmb

Enclosure

cc: Chairman Kennard
Commissioner Ness
Commissioner Tristani
Commissioner Powell
Commissioner Furchgott-Roth
Yog R. Varma, Deputy Chief, Common Carrier Bureau
Brad Ramsay, National Association of Regulatory Utility Commissioners
International Transcription Service

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**PETITION TO FEDERAL COMMUNICATIONS COMMISSION
FOR EXPEDITED DECISION FOR GRANT OF AUTHORITY
TO IMPLEMENT NUMBER CONSERVATION MEASURES**

The Florida Public Service Commission (FPSC) hereby requests authority to fashion a Florida specific solution to our state's existing number crisis. Our efforts will be consistent with Federal Communications Commission (FCC) policy, by ensuring that number resources are made available in an equitable, efficient and timely basis to all carriers. Our efforts will not unduly favor or disfavor any particular segment or group of telecommunications consumers, nor will our efforts unduly favor one telecommunications technology over another.

The FCC has supported state conservation action, where the state has a history of involvement in numbering issues and shows that extenuating circumstances require immediate state specific action. Like in California, the Florida Commission has a history of sustained action on numbering issues that predates the enactment of the FCC rules and the Telecommunications Act of 1996. Since 1995, nine additional area codes have been implemented in Florida. Of these nine new area codes, up to six may be in jeopardy or extraordinary jeopardy. This jeopardy affects most metropolitan areas in Florida.

Florida's circumstances are comparable to those in California. We similarly are seeking a letter endorsing a grant of authority to fashion a Florida specific solution to the

existing number crisis. We are also looking to the industry to come up with solutions.

The facts substantiating our request are as follows:

1) On January 6, 1998, the FPSC issued Order PSC-98-0040-FOF-TL, which assigned 20 NXXs to the 305 area code in Monroe County (the Keys). These codes were calculated to last until the year 2012. Now, one year after the entry of this order, the North American Numbering Plan Administrator (NANPA) informs us that the 20 NXXs which were designated for the Keys have been exhausted. The accelerated assignment of NXXs, which far exceeded the usage rate contemplated in the order, has forced an extraordinary jeopardy situation in the Keys portion of the 305 area code.

2) The NANPA has declared extraordinary jeopardy in the 305, 561, 941 and the 954 area codes. These notices of extraordinary jeopardy were issued, even though there is information that the number blocks currently distributed in each area code have been underutilized. To illustrate, in the 305 area code, 39% of the available telephone numbers are utilized; in the 561 area code, 35% are utilized; in the 941 area code, 37% are utilized; and finally in the 954 area code, 50% are utilized. This situation is a natural consequence of the present system of issuing telephone numbers in blocks of ten-thousand, but is nonetheless very inefficient and troubling, causing new area

codes to be introduced at a faster rate than the growth in demand for telephone numbers.

3) The exhaust of additional area codes this year, coupled with conflicting information, leads the FPSC to believe that the entire state of Florida is in jeopardy. Florida must be permitted to act now. In fact, we are willing to volunteer to be the trial state for number pooling.

The FPSC has reviewed other measures which have been implemented around the country. We are requesting authority for the following conservation measures:

- institute thousand-block (and perhaps 100 block) number pooling;

Clearly, thousand-block pooling represents a possible vehicle for conserving numbering resources. However, development of mandatory national thousand-block pooling guidelines could take considerable time.

Therefore, the FPSC requests additional authority to implement its own thousand number block pooling requirements in advance of any federal rules.

- implement sharing of NXX codes in rate centers;
- revise rationing measures and institute NXX lotteries (prior to adoption of area code plans or establishment of an area code relief date) to prolong the life of existing area codes;

The authority to revise the rationing procedure will allow the FPSC more flexibility to extend the lives of the existing area codes while long-term numbering solutions are developed. The FPSC also requests the authority to institute a NXX lottery which would afford each applicant an equal opportunity.

- reclaim unused and reserved central office codes;
Code conservation measures are essential in Florida in order to extend the lives of the current area codes. The FPSC would like additional authority to investigate whether any of these reserved central office codes can be reclaimed for future distribution, without causing disruption to carriers' network operations.
- maintain the current central office code rationing measures for at least six months after the implementation of all area code relief plans;
Once an area code relief plan is announced, this accelerates the demand for the remaining NXXs in the old area code. By using code rationing as a supply constraint, this controls the artificial increase in demand.
- expand deployment of permanent number portability;
- implement unassigned number porting;

The FPSC requests additional authority to implement Unassigned Number Porting ("UNP"). The FPSC understands that UNP is already being used by certain carriers during a rationing period. The FPSC requests additional authority to implement UNP as an additional tool to conserve numbering resources; and

- implement rate center consolidation.

In addition, we request that the FPSC be granted express permission to use LINUS to run NXX reports quarterly.

We also request that the FCC direct the NANPA to do the following:

- update the Central Office Code Utilization Survey (COCUS) report quarterly, instead of annually; Quarterly data would provide a much more current basis for planning area code relief, which is very important since the data can change dramatically in a short space of time.
- establish code allocation standards to more efficiently manage numbering resources; This would include a requirement that NANPA consult with the FPSC prior to issuance of additional NXX codes.

In addition, we request that the FCC expressly grant the FPSC authority to require wireless carriers to provide the necessary

COCUS and other information needed to carry out our responsibilities. In order to investigate the feasibility of various pooling scenarios, the FPSC will need utilization data at the block level, for all code holders, wireline and wireless alike.

Accordingly, the FPSC hereby requests a Letter Order reflecting the following: The FPSC is hereby granted authority to fashion a Florida specific solution to its existing number crisis. Florida's efforts shall be consistent with FCC policy, by ensuring that number resources are made available in an equitable, efficient and timely basis to all carriers. Florida's efforts shall not unduly favor or disfavor any particular segment or group of telecommunications consumers, nor shall Florida's efforts unduly favor one telecommunications technology over another. The FPSC is also delegated authority to gather necessary information from wireless carriers.

Letter Order Regarding California's Situation

Pursuant to Section 251(e)(1) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, and the authority delegated in 52.19 of the FCC's rules, the FCC granted temporary authority to the California Commission to continue to conduct its measures implementing area code relief. We simply note that Florida's circumstances are comparable to those in

California. We similarly are seeking a letter order giving us an additional grant of authority.

FPSC Actions

In addition to filing this request with the FCC, we are proceeding with an expedited hearing on requiring code holders to issue telephone numbers consecutively, beginning with the lowest available telephone number. This proceeding is in direct response to our concern that code holders do not typically issue telephone numbers in any particular order, which if left to continue, would hamper future number pooling efforts. In addition, we are continuing to conduct workshops on the full range of number conservation measures (Docket No. 981444-TP). We are also urging the industry to take voluntary measures.

Request

Thus, the FPSC files this petition to request authority, and any necessary waiver of the FCC's rules in order to ease the extenuating circumstances we are facing. In addition, we ask that the FCC grant the FPSC additional authority to implement various area code measures. The FPSC requests this additional authority as part of its ongoing area code relief proceeding. This is intended to be used to minimize consumer confusion and expenses associated with imposing new area codes so quickly.

Clearly, Section 251(e)(1) gives the FCC authority over numbering administration. However, it states, "Nothing in this paragraph shall preclude the Commission from delegating to state commissions or other entities all or any portion of such jurisdiction." (Emphasis added). We urge that the FCC grant such authority to the FPSC.

Conclusion

In conclusion, we urge that the FCC act within 30 days to ease this situation. Accordingly, the FPSC hereby requests an Expedited Letter Order reflecting the following: The FPSC is hereby granted authority to fashion a Florida specific solution to its existing number crisis. Florida's efforts shall be consistent with previously approved policy, by ensuring that number resources are made available in an equitable, efficient and timely basis to all carriers. Florida's efforts shall not unduly favor or disfavor any particular segment or group of telecommunications consumers. Nor shall Florida's efforts unduly favor one telecommunications technology over another. Florida, for this purpose, is also delegated the authority to gather necessary information from wireless carriers.

Respectfully submitted,

A handwritten signature in cursive script, reading "Cynthia B. Miller", written in dark ink.

CYNTHIA B. MILLER
Senior Attorney

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